

T H E  
JUNIOR'S PRECEDENCE: C#

Illustrated in a  
N E W I M P R E S S I O N  
O F  
TWO ACTS OF PARLIAMENT  
Made in *I R E L A N D*,  
FOR THE 4497  
Recovery of Small Debts.

And in an A B S T R A C T of  
Divers Acts, appointing a PUBLIC REGISTER  
in *Dublin*, for Deeds, Wills, &c. affecting  
Lands and Tenements, in that Kingdom.

To which is added,  
An Explanation of the UTILITY and PRAC-  
TICE thereof: Wherein the Necessity of ex-  
tending the like Benefit to *South-Britain*, is  
considered.

WITH AN  
A P P E N D I X;  
Shewing the NECESSITY of COURTS of CON-  
SCIENCE, and of reforming SHERIFFS - COURTS  
throughout the Kingdom.

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L O N D O N:

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## INTRODUCTION.

**A**T a Time, when not only the Subjects, but even the Sovereigns of divers Nations, appear in Motion to redress the intolerable Oppression, occasioned by the Male-administration of the Laws in their several Countries, it can, by no Means, be judged improper to essay something towards a Reformation of the no less dilatory and expensive Practice, commonly used in the Law-Proceedings of this populous and trading Kingdom.

With this View, the following excellent Acts, passed in a neighbouring Kingdom, are here pre-

## INTRODUCTION.

sented to the Public, that the *British* Subjects may see what the Parliament of *Ireland* has done to ease the Oppressed, and to render their Country flourishing and happy; and may be excited to apply for the like Redress, from a Legislature famous for its Generosity of Spirits, and Patronage of Freedom, the World over.

For a tender Heart must be as much afflicted with Sorrow, in hearing the general Complaints of the oppressed Subjects, as a prudent one may be affected with Astonishment, in observing their universal Neglect to petition the Legislature for Relief: Part whereof they have invested with Power to grant it.

The Acts are as follow.

An-



Anno Regni Secundo Georgii.

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*An Act for Reviving and Amending an Act, intituled, An Act for Recovery of small Debts, in a Summary Way, before the Judges of Assize.*

**F**OR the Ease of the Subject in re-<sup>The Actions</sup>  
 covering small Debts, Dues, and <sup>and Sums.</sup>  
 Demands, in a summary Way: Be it  
 Enacted by the King's Most Excellent  
 Majesty, by and with the Advice and  
 Consent of the Lords Spiritual and Tem-  
 poral and Commons in this present Par-  
 liament assembled, and by the Authority  
 of the same, That from and after the  
 twenty-fourth Day of *June*, in the pre-  
 sent Year of our Lord, One thousand  
 seven hundred and sixteen, it shall and  
 may be lawful to and for the Judges of  
 Assize in this Kingdom, or any of them,

B

in



2d Geo. I. in their respective Circuits, commonly  
 { called, *The Lent* and *Summer-Affizes*,  
 or in either or any of them, to hear and  
 determine in a summary way, by an  
*English* Bill, or Paper Petition in *English*,  
 all Manner of Disputes or Differences  
 between Party and Party, for any Sum  
 not exceeding the Sum of Ten Pounds,  
 in all Actions of Debt, Actions of *Assumpsit* and *Insimul Computasset*, and the  
 Sum of Five Pounds in all Actions of  
 Trover and Conversion *quantum meruit*,  
 Actions of Trespass, or Detinue for  
 Goods or Chattles taken or detained, so

Title of Lands  
 not to be  
 drawn in  
 question.

as the Title of Lands be not drawn in  
 Question in any such Proceedings, in  
 which Proceeding, the Defendant shall  
 have the Benefit of all Matters in his  
 Defence, that he might have had if he  
 had been sued in the ordinary Forms of  
 the common Law, or in any Court of  
 Equity.

A Court of  
 Equity for  
 Defendant.

Judges may  
 decree or dis-  
 miss with In-  
 terest and  
 Costs.

II. And the said Judge or Judges  
 are hereby authorized and required, and  
 shall have full Power and Authority so  
 to do, and to award and decree Execu-  
 tion

*The Civil Bill Act.*

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tion thereupon, or to dismiss such Bill, <sup>2d Geo. I.</sup> with Costs against the Body or Goods of the Parties against whom they, or either of them, shall give such Decree or Dismiss; as also, Interest thereupon in all Cases where, in Equity, Interest ought to be decreed: And in Case any Judge or Judges, before whom such Demand shall be tried, shall think it proper to have any Fact or Facts controverted in the Cause tried by a Jury, in such Case, a Jury shall be returned instantly by the proper Officer to try such Fact or Facts as shall seem doubtful to such Judge or Judges, and the Judge or Judges shall proceed to make their Decree on the Verdict of such Jury, for the Returning of which Jury, the Returning Officer shall have the Fee of 1 s. and no more, and the Judges Clerk for entering such Verdict, the Fee of 6 d.

A Jury may be returned instantly.

Returning Officer and Judges Clerk's Fees.

III. And be it further Enacted by the Authority aforesaid, That the Judge or Judges of Assize, or either of them, shall issue or cause to be issued a Summons or Process, under the Hand of the said

Form of Process, and how to be observed.

2d Geo. I. Judge or Judges of Assize, or his or their Clerk, wherein shall be expressed the Plaintiff and Defendant's Name, and Cause of Action, and the Day and Place of Appearance, which Process shall be made Returnable the first or second Day of every Assizes, at the Direction of the Judge or Judges, and that no Cause shall be heard, or Decree pronounced upon such Petition or *English* Bill, until it shall be proved in open Court upon Oath, by some Person that is of the Age of sixteen Years and upwards, and can read such Summons or Process, that the Defendant was personally served with such Summons or Process, six Days inclusive before the first Day of that Assize, by shewing the Defendant the original Summons or Process, and serving him with a Copy thereof; and in case the Defendant cannot be met with, and is not then out of the Kingdom, by shewing the original Summons or Process to, and leaving a Copy of the same with the Defendant's Wife, Son, Daughter, or menial Servants, such Son, Daughter, or menial Servants, being of the Age of sixteen Years,



*The Civil Bill Act.*

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Years, at the Defendant's usual Place of <sup>2d Geo. I.</sup> Abode, the same being within such County, wherein such Assizes are to be held; and *that if the Defendant do not or shall not appear after Service of such Summons or Process as aforesaid, in such Manner, and proved upon Oath as aforesaid, that then it shall and may be lawful to, and for the said Judge or Judges, or any of them, in open Court, to hear and examine into the Truth of the Matter complained of, and to determine the said Cause upon Examination of credible Witnesses in open Court; and in Case of Debt or Contract by Writing, the said Judge or Judges may determine upon Examination as aforesaid, or by Affidavit in Writing made before the said Judges, or any one of them, to prove the Perfection of the said Deed, Bill, Bond, or Contract, and to prove his, her or their Hand subscribed to the same, and to decree for the Plaintiff, or to dismiss his Bill or Petition as to the said Judges or any of them shall seem just, and to issue Executions returnable the next Assizes, for Recovery of all Sums decreed, and such Costs, as are herein after*

How the Judges may determine, on the Non-appearance of the Defendant.

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2d Geo. I. mentioned, to be directed to the Sheriff of all or any County or Counties within this Kingdom, against the Body or Goods of the Defendant or Defendants, in case of a Decree, and against the Body or Goods of the Plaintiff or Plaintiffs, in case of a Dismiss; which the Sheriff of such County, to whom the same shall be directed, shall execute in like Manner as any Execution issued out of any of His Majesty's Four-Courts at *Dublin*, and such Sheriff shall grant a special Warrant when demanded by the Plaintiff, at the Peril of such Plaintiff, taking the Sum of One Shilling, and no more, for the same; and the said Judges, or any of them, may inflict such Punishment on the Sheriff or Sheriffs, or any of them, for their Contempt, Negligence or Misbehaviour therein, in like Manner as other Judges are impowered to do in the executing an Execution or Process issued out of any of His Majesty's said Four-Courts at *Dublin*; and if the Plaintiff shall not file his Bill within twenty-four Hours after the Return of the Process, or shall not prosecute or proceed in his

Execution  
how.

A special  
Warrant to be  
granted.

Sheriff's Fee.

Bill may be  
dismissed if  
not filed in  
twenty-four  
Hours after  
return of Pro-  
cess, or not  
proceeded up-  
on when re-  
quired by  
Court.

*The Civil Bill Act.*

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his Cause when thereunto required by <sup>2d Geo. I.</sup> the Court, after serving the Defendant with Summons or Proceſs to appear as aforeſaid, then the ſaid Judges, or any of them, upon Oath made, That the Defendant was ſerved on the Plaintiff's Behalf, with ſuch Summons or Proceſs in Manner aforeſaid, ſhall and may diſmiſs the ſaid Defendant, and decree and award him ſuch Coſts as herein after limited and appointed, and iſſue Execution for Recovery and Levying thereof as aforeſaid.

IV. And where the Affizes ſhall at any Place exceed the Term of four Days, ſuch Judge or Judges of Affize, upon Application made on the fourth Day after the Return of the Proceſs, or on any ſubſequent Day during ſuch Affizes, ſhall oblige the Plaintiff to proceed in ſuch Cause, and, in Default of his ſo doing, ſhall diſmiſs the Bill for want of Proſecution, and award the Defendant his Coſts.

If the Affizes be above four Days, Plaintiff may be forced to proceed.

V. Pro-



2d Geo. I. V. Provided always, That no Person  
 Defendant not shall be obliged to appear before the said  
 obliged to ap- Judges, or any of them, upon any such  
 pear out of Summons or Process, at any Assize out  
 the County in of the County where the Defendant lives  
 which he with his Family, or usually resides.  
 lives.

Refusing to VI. Provided also, and be it further  
 give Evidence Enacted by the Authority aforesaid, That  
 on tender of every Inhabitant of, or Person residing  
 Costs, to for- within any County, County of a City or  
 feit twenty Town, who shall be served with Pro-  
 Shillings. cess, to testify and depose concerning any  
 Matter or Cause depending at the Assizes  
 or Sessions, as aforesaid, to be held for  
 the County, City or Town, where he  
 shall then inhabit or reside, and shall at  
 the same time have his reasonable Costs,  
 to be determined by such Judge or  
 Justices, for such Attendance, tendered  
 unto him, shall be obliged to appear and  
 give his Testimony ;or, in Default there-  
 of, shall lose and forfeit to the Party  
 grieved, for every such Offence, such  
 Sum or Sums of Money not exceeding  
 Twenty Shillings, as by the Direction of  
 the

the Judge or Judges of Assize, who shall <sup>2d Geo. I.</sup> issue such Process, shall be reasonably awarded, according to the Loss and Hindrance that the Party who procured the said Process shall sustain, by reason of the Non-appearance of the said Witness or Witnesses, the same to be recovered by the Party so grieved, against the Offender or Offenders, before the Judge or Judges of Assize, in such manner as in other Causes herein before-mentioned.

VII. Provided always, That it shall <sup>Appeal lies to the next going Judge.</sup> and may be lawful to and for any Person that shall find or think him or herself aggrieved by the Decree of the said Judges, or any one of them, to appeal to the next going Judge or Judges of Assize for the same County, which Appeal, the said Judges, or any one of them, are hereby required to receive and stop all Proceedings on the Decree pronounced, the Party appealing first paying the adverse Party Costs, allowed in this Act, and entering, before the said Judge or Judges, into a Recognizance of double the <sup>Bail to be given to pay the Sum decreed.</sup> Sum decreed, with sufficient Bail to pay the

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2d Geo. I. the Sum decreed against him, with Interest and Costs, in case no Relief shall be had upon the hearing such Appeal; and if any Fact shall be controverted in such Appeal, and shall appear doubtful to


A Jury may be any such Judge or Judges, such Fact or on the Appeal. Facts shall be tried by a Jury to be return'd immediately at the Prayer of the Party, before the Judge or Judges of the said next Assize to be held for such County and Counties where such Appeals do lie, and a Decree and Decrees, Execution and Executions, shall be given thereon, in manner as aforesaid, which said Verdict, Decree, and Execution, shall be conclusive to all Parties, and that the same shall not be controverted or reversed in any Court of Equity.

VIII. And be it further Enacted, That any Person who shall conceive himself aggrieved by such Decree, and shall not enter into such Recognizance as afore-

On depofite of the Money and Bond given, Sheriff not to proceed. said, may depofite the Money decreed against him in the Hands of the Sheriff, and enter into a Bond of Five Pounds, with Condition to perform and abide the Decree of the next coming Judge

or



or Judges of Assize, and on his so doing, *2d Geo. I.*  
the said Sheriff shall stop and forbear   
further Proceedings on the said Decree,  
until the next ensuing Assize.

IX. And be it further Enacted by the  
Authority aforesaid, That the Court held <sup>A Court of  
Record.</sup>  
by the said Judges, or any of them, for  
hearing and determining the said Causes  
in a summary Way, by *English* Bill or  
Petition as aforesaid, shall be a Court of  
Record, and in Case any Person who  
shall be examined on Oath before any  
Judge or Judges, by Virtue of this Act,  
shall commit wilful Perjury, and be  
thereof duly convicted according to Law,  
such Person shall be set in the Pillory  
for one Hour, and have his Ears nailed  
thereto.

X. And be it further Enacted by the  
Authority aforesaid, That the several  
Fees and Sums following, and no more, <sup>The several  
Fees.</sup>  
or greater Sums shall be paid or taken  
from any Person suing or being sued in  
the said Court, than herein after is limit-  
ed and appointed; (That is to say) to the

2d. Geo. I. Attorney for signing the Proceſs, drawing, ſigning, and entering the Bill, 2s. 6d. for attending the hearing of the Cauſe, drawing up the Decree or Diſmiſs thereon, the Sum of 2 s. for his own Pains, and no more, for the Recognizance and Bail taken on an Appeal, 1 s. and if on the Appeal the Matter be found againſt the Appellant, ſuch Appellant ſhall pay double Coſts, and that no Plaintiff be obliged to retain, or to have his or their Bill ſigned by Counſel; and that in all Caſes wherein Counſel appears for the Plaintiff, if the Plaintiff recover the Sum of 5 l. or

Counſel for  
the Plaintiff  
not obligato-  
ry.

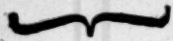
10 s. Counſel. more, there ſhall be taxed 10 s. Coſts for ſuch Counſel, over and above other Fees by this Act allowed, and the like Fees allowed for Counſel for the Defendant, where the Demand againſt him is 5 l. or upwards, if Counſel appear for him, and the Plaintiff be diſmiſſed: To the Clerk of the Civil Bills, for the Proceſs, 6 d. To the Clerk of the Civil Bills, for entering the Bill, 6 d. To the Clerk of the Civil Bills, for every Decree or Diſmiſs, 12 Pence. To each Judge, for ſigning every Decree or Diſmiſs, 12 Pence. For every

every Recognizance, 12 Pence. To the 2d Geo. I. Judge for taking an Affidavit in Writing, 6d. To the Sheriff 6 d. For every Pound contained in any Execution against the Body of the Party where such Party shall be taken in Execution; as also 6 d. for <sup>6 d. per Pound.</sup> every Pound which shall be levied by the Sheriff, Sub-sheriff, or any of his or <sup>Execution a-</sup> their Bailiffs, *and not by any special Bailiff,* <sup>gainst Goods.</sup> *named at the Peril of the Person, at whose Suit such Execution is granted,* to be retained by the Sheriff out of the Money so levied, and not to be demanded before the Execution shall be executed

XI. And be it further Enacted by the Authority aforesaid, That if any Sheriff <sup>Sheriff to pay the Debt.</sup> shall suffer any Person taken in Execution, by Virtue of such Decree or Dismiss, to make his Escape, he shall be liable to the Payment of the Debt and Damages in such Decree mentioned, to be recovered before the Judge or Judges of Assize, in such Manner as in other Causes herein before mentioned.

XII. And



2d Geo. I. XII. And be it further Enacted by the  
 Authority afore said, That if any Decree  
or Dismiss which shall be obtained from  
the said Judge or Judges of Assize, be not  
executed before the next Assize, that then,  
and in such Case, it shall and may be  
lawful to and for the Plaintiff or Plain-  
tiffs in such Decree, or Defendant or  
Defendants in such Dismiss, his or their  
Executors or Administrators, to renew  
the same at either of the two next fol-  
lowing Assizes to be held for the said  
County, the Plaintiff or Plaintiffs, De-  
fendant or Defendants, first making  
Oath, or giving reasonable Satisfaction to  
the Judge of Assize, that he or they  
have received no Part thereof, or if any  
Part be received, then to renew the same  
for the Sum remaining due on such De-  
cree or Dismiss; which Orders of Re-  
newal may in like manner be from Time  
to Time renewed, till the Money de-  
creed be fully paid, paying to the Attor-  
ney, for drawing up the same, the Sum of  
12 *d.* And to each Judge, for signing,  
12 *d.* And to the Judge's Clerk, for en-  
tering,

Decree not  
executed.

tering, 6 *d.* and no more. And that 2d Geo. I. the Book wherein the said Causes are registered, shall be deposited by the Clerks of the Judges of Assize, at the End of the Assize, into the Hands of the Clerk of the Crown of the respective Counties to be ready to be produced to the next going Judge of Assize, in Order to make out Renewals of Decrees, if Occasion shall be.

XIII. And whereas heretofore, by Decrees made but not executed. Virtue of a former Act, many Persons have had Decrees made by the several Judges of Assize or Sessions for the County of *Dublin*, for Debts claimed by them by Civil Bill, which have not yet been executed, the former Act expiring,

XIV. Be it further Enacted by the Authority aforesaid, That it shall be in the Power of any Judge of Assize, or Judge may renew Decrees, at the Sessions for the County of *Dublin*, to renew such Decrees, in such manner as Decrees are hereby directed to be renewed; and the said Decrees, so renewed, shall be executed in such Manner

2d Geo. I. ner as the Decrees are appointed by this  
 present Act to be executed, the Parties  
 against whom such Decrees have passed,  
 or their Representatives, being first sum-  
 moned by Process, as aforesaid.

What Attor-  
 neys are al-  
 lowed.

XV. And be it further Enacted by  
 the Authority aforesaid, That no Per-  
 son or Persons shall be admitted to  
 practise as an Attorney before any  
 Judge of Assize, in any of the Circuits  
 of this Kingdom, in the recovering of  
 any of the said small Debts, but such  
 Person or Persons only who are or shall  
 be admitted Attorneys in one of His  
 Majesty's Four - Courts in *Dublin*, and  
 does appear every issuable Term in  
 one of the said Four - Courts, and  
 pay his Commons and other Duties to  
 the Steward of the Inns; and that no  
 Judge's Clerk or Register of the Civil  
 Bills shall be admitted to practise in the  
 Circuit as Attorney for any Plaintiff or De-  
 fendant, in any Suit, by *English* Bill, pur-  
 suant to this Act, in his own, or in a-  
 ny other Man's Name; and if any Per-  
 son shall offend herein, he shall forfeit,  
 for



for every such Offence, the Sum of 2d Geo. I.  
Twenty Pounds to be recovered by such <sup>Attorneys</sup>  
Person who will sue for the same, by <sup>Forfeiture.</sup>  
Action of Debt, Bill, Plaint, or Infor-  
mation, in any of His Majesty's Courts  
of Record, in which no Essoign or Wa-  
ger of Law shall lie, or more than one  
Imparlance, and that no Attorney shall  
be suffered to practise in any of the Causes  
aforesaid, in any County or Counties  
wherein he is, or shall be a Justice of  
Peace.

XVI. *And be it further Enacted by the  
Authority aforesaid, That such of His Ma-  
jesty's Judges or Counsels learned in the  
Law, who shall, with the Justices of the  
Peace for the County of Dublin, hold the  
General Quarter-Sessions of the Peace for  
the said County, shall and may in like man-  
ner, at the General Sessions of the Peace,  
bear and determine all the aforesaid Causes  
of Action for small Debts or Damages,  
aforesaid, in such manner, and under such  
Fees and Regulations, as the said Judge or  
Judges of Assize are hereby empowered to  
bear and determine the same, and thereupon*

D

to

2d Geo. I. to issue such Process and Execution for  
the obtaining thereof, as herein before  
are limited and appointed; and that all  
and every Person or Persons, that shall  
apprehend him or themselves to be ag-  
grieved thereby, to have the like Benefit  
of Appeal as herein before is directed.

XVII. And for avoiding trivial and  
vexatious Suits, Be it further Enacted by  
the Authority aforesaid, That from and  
after the twenty-fourth Day of *June*, in  
the Year of our Lord one thousand seven  
hundred and sixteen, in all Actions of  
Trespafs, and Actions for Assault and  
Battery, to be commenced in any one of  
His Majesty's Four-Courts in *Dublin*,  
and in all Actions on the Case for slan-  
derous Words, to be sued or prosecuted  
by any Person or Persons in any Court of  
Record whatsoever, that hath Power to  
hold Plea of the same, the Plaintiff in  
such Action or Actions in Case, the Jury  
shall find the Damages to be under the  
Value of Forty Shillings, shall not reco-  
ver or obtain more Costs of Suit, than  
the Damages so found shall amount unto;  
and

and if any more Costs in any such Action 2d Geo. I. shall be awarded, the Judgment shall be void, and the Defendant is hereby acquitted of, and from the same.

XVIII. Provided always, and be it further Enacted by the Authority aforesaid, That if the Judge at the Trial of any Action of Assault and Battery, or Action of Trespass, shall certify under his Hand upon the Back of the Record, that the Assault was sufficiently proved by the Plaintiff against the Defendant; or, that the Free-hold and Title of the Land mentioned in the Plaintiff's Declaration was chiefly in Question; or, that the said Trespass was voluntary and malicious; the Plaintiff in such Case shall have and recover (though the Jury should find Damages to be under Forty Shillings) his full Costs of Suit, as if this Act had never been made, any thing herein contained to the contrary notwithstanding.





Anno Primo Georgii Secundi Regis.

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*An Act for Explaining and Amending an Act, intituled, An Act for Reviving and Amending an Act, intituled, An Act for Recovery of Small Debts, in a summary way, before the Judges of Assize.*

W H E R E A S, by an Act passed in the second Year of the Reign of His late Majesty King George the First, of Glorious Memory [intituled, *An Act for Reviving and Amending an Act, intituled, An Act for Recovery of Small Debts, in a summary way, before the Judges of Assize*] It is enacted, That the Judges of Assize, in their respective Circuits, should and might hear and determine, in a summary way, by an *English* Bill, or Paper Petition in *English*, all manner

manner of Disputes or Differences between Party and Party, for any Sum not exceeding the Sum of Ten Pounds, in all Actions of Debt, Actions of *Assumpsit*, and *Insimul Computasset*, and the Sum of Five Pounds in all Actions of Trover and Conversion, *quantum meruit*, Actions of Trespass, or Detinue for Goods or Chattles taken or detained.

II. And whereas the said Act has been found by Experience to be highly beneficial to the Subject, and would be still more advantageous if extended to a

Persons may sue for 20 l. in Debt or in Case on Promissary Notes,

larger Sum; Therefore be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the said Judges or Justices of Assize, or any of them in their respective Circuits, and to and for His Majesty's Judges or Counsel learned in the Law, who, with the Justices of the Peace of the County of *Dublin*, shall hold the

General

**1st Geo. II.** General Quarter-Sessions of the Peace  
 for the said County at the said Sessions,  
 and they are hereby impowered to hear  
 and determine on such *English* Bill, or  
 Paper Petition in *English* as aforesaid,  
 any Dispute or Difference betwixt Party  
 and Party, for any Sum not exceeding  
 the Sum of Twenty Pounds, in all  
 Actions of Debt on any Bond, Bill, or  
 Specialty for Payment of Money only,  
 or Actions on the Case on any Promissory  
 Note, or inland Bill of Exchange,  
 and to make such Decrees, and to issue  
 such Proceſs and Executions, in such and  
 the ſame Manner, and under ſuch Fees,  
 Regulations, and Directions, and with  
 like Benefit of Appeal and Remedy  
 againſt Witneſſes, and againſt Sheriffs  
 for Neglect of their Duty, as in and by  
 the ſaid recited Act is limited, directed,  
 and appointed in relation to the Actions  
 therein mentioned.

Proceſs to be  
 ſerved twelve  
 Days inſulative  
 where the De-  
 mand is above  
 10 l.

III. Provided always, and be it En-  
 acted by the Authority aforesaid, That  
 when any Perſon or Perſons ſhall, in  
 manner aforesaid, demand or ſue for any  
 Sum



Sum exceeding Ten Pounds, the De-<sup>1st Geo. II.</sup>  
fendant, or in his Absence, if he is not  
then out of the Kingdom, his Wife,  
Son, Daughter, or any other Relation or  
Servant of the Age of sixteen Years, and  
dwelling in his House, shall be served  
with Process, by shewing the Original  
and leaving a Copy thereof with him,  
her, or them, twelve Days inclusive,  
before the first Day of the Assizes or Ses-  
sions at which such Process is return-  
able.

IV. And be it further Enacted by No Decrees  
the Authority aforesaid, That no Decree<sup>on Warrants  
of Attorney</sup>  
shall be made, by Virtue of any Warrant<sup>without serv-  
ing Process.</sup>  
of Attorney to confess Judgment on any  
Bond entered into for the Payment of a  
Sum determinable by this or the said for-  
mer Act, unless Process be served on the  
Person so bound as in other Cases is di-  
rected; and that, in every such Case, the  
Defendant shall be at Liberty to make  
and have the Benefit of every Defence  
he could have had either in Law or  
Equity.


V. And

1st Geo. II. V. And whereas it is by the said former Act enacted, That any Person who should conceive himself aggrieved by any Decree, and should not enter into a Recognizance before the Judge or Judges of Assize as by the said Act is directed, in case of an Appeal, might depostite the Money decreed against him, in the Hands of the Sheriff, and enter into a Bond of Five Pounds with Condition to perform and abide the Decree of the next coming Judge or Judges of Assize.

VI. And whereas it has been often found, That the Sheriff with whom the Money has been deposited, though the said Decree has been affirmed, neglected to pay over such Money to the Party so recovering, which has often put the Party to a fresh Suit and farther Expence.

Sheriff neglecting to pay the Sum deposited to forfeit double the Sum.

VII. And whereas the Sheriffs have frequently received Money upon Executions founded on such Decrees or Dismissions,

missions, and have neglected to pay over <sup>1st Geo. II.</sup> the same to the Party intitled thereto;  for the Prevention therefore of such Mischief for the future, Be it enacted by the Authority aforesaid, That any Sheriff who hereafter shall neglect to pay over the Sum so deposited with him, by Virtue of this or the said former Act, or shall refuse or neglect to pay over any Sum levied by Virtue of any Execution of such Decree or Dismission to the Person or Persons intitled thereto, or to such Person or Persons as by him or them shall be lawfully authorized to receive the same upon Demand made for that Purpose, such Sheriff, so offending, shall forfeit to the Party aggrieved double the Sum so deposited with, or received by such Sheriff, together with legal Interest for the same, from the Time of such Demand, to be recovered by Civil Bill before the Judges of Assize, or before the Justices of the Quarter-Sessions of the County of *Dublin*, who are hereby empowered to hear and determine the same, in like manner as other Sums are

E made



1st *Geo. II.* made recoverable by this present, or the  
 { said recited Act.

Decree not to  
 be renewed  
 above twice  
 without Affi-  
 davit.

VIII. And be it further Enacted by the Authority aforesaid, That no Decree shall be renewed more than twice, without serving Process thereon, unless the Party, obtaining such Decree, shall by Affidavit make it appear to the Judge or Judges impowered to renew the same, That he hath used his utmost Endeavours to have the said Decree executed.

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THE foregoing Acts by Experience have been found to contribute to the quick and easy Circulation of Justice in *Ireland*, so that one of the *Chief Judges* of that *Kingdom*, by way of Encomium upon the Excellency thereof, declared, in *London*, that one hundred of those Suits had been determined at one Assize; and an Honourable Member of the House of Commons there hath averred, that above two hundred had been determined at one of the Assizes  
 for

for their County, to his certain Knowledge; so that the frightful Phantom, and frivolous Objection, against extending them to *England*, ceaseth, (*viz.*) that they would engross too much of the Judges Time.

By the said Acts, and by an Act made in the eighth Year of the Reign of his late Majesty King *George*, intituled, An Act for the further Amendment of the Laws, and for continuing and amending several Acts near expiring, the Plaintiff is only to prove the legal Serving of the Process or Summons upon the Defendant, or upon any in, or belonging to his House, or Family, of the Age of Sixteen Years, twelve Days before the Assizes, or Sessions, if the Debt be above ten Pounds, and six Days inclusive for smaller Sums; but no Summons to be legal for Bonds and Warrants of Attorney entered into for Payment of Money, unless the same be served upon the Person so bound.

In open Court the Plaintiff is to make legal Proof of the Debt according to its Nature, and the Manner how it was contracted, and may demand the Defendant's Oath, in the Case, if he esteem it necessary; whereupon the Decree is granted, without Chicane, or Circumlocution, and at so small an Expence as ten Shillings and Six-pence for any Sum not exceeding twenty Pounds.

But if the Defendant doth not appear, when full Proof is made of his being duly and legally summoned, the Judges may hear and examine into the Truth of the Matter complained of, and determine the Cause upon the Examination of credible Witnesses, &c.

The Excellency of the said Laws is further evident, in the great Expedition thereof, to the Plaintiff, and small Expence for Execution, upon the Defendant; for the Plaintiff may at his Leisure, but at his own Risque, employ his Menial Servant, or other Confidant, for a special



special Bailiff, without being fatigued with Attendance upon Sheriffs Deputies, or perplex'd to get the Money levied out of their, or their Constituents Hands; neither is the Defendant obliged to pay Poundage in this Case, nor to have his Effects made a Prey, by such rapacious Persons, which was too often found to be the Case in that Kingdom.

But if the Person, against whom the Decree was issued, account himself aggrieved, he may appeal to the Judge of the next Assize for such County or Place, and the then decreeing Judge is to receive the same, and to stop all Proceedings upon the said Decree; the Party appealing first paying the adverse Party's Costs, and entering into Recognizance of double the Sum decreed, with sufficient Bail to pay the Sum decreed, with Interest and Costs, in Case no Relief shall be had upon hearing such Appeal,

It is also by the said Acts allowed, that one of the Judges, or Counsels learned

learned in the Law, with the Justices of the Peace for the County of *Dublin*, may, at the General Quarter-Sessions of the Peace for the said County, hear and determine the like Causes, in the same Manner, and at the like Fees, with the Judges at the Assizes; but with Liberty (to either Party) of appealing thereto; and if such Power was granted in the Vicinage of the Courts of Justice there, how much greater is the Necessity for granting the like to more distant, more populous, and extensive Counties in *England*?

From whence it is evident that the *Irish* Parliament, which, in former Years, did frequently imitate the Precedent of the *British*, hath, in these Acts, shewed their Precedence; which Acts have previously received the Sanction and Approbation of the King and Council in *England*; as, it is hoped, the like will soon receive of the whole *British* Legislature.

The

The Judges by the said Acts, for recovering small Debts, have Power instantly to call a Jury, before the Decree, or upon an Appeal against it; and the Parties have Liberty to fee Counsel at ten Shillings each, if the Debt recovered be above five Pounds; but the Excellency of the preceding Clauses is such, that neither Jury, nor Counsel, are often thought necessary, or demanded.

Since the Commencement and Execution of those Acts, Trade hath flourished more in that Kingdom, than in three times the Number of Years preceding them; and doubtless such would have the like, or a greater Effect, in this, if equally, or more amply extended thereto, in Proportion to the major Number of Inhabitants, and greater Extention of Trade.

For the more that Nations, or Individuals, are exonerated from Oppression, (which all Men of Candour will allow the



the present Proceedings in Law and Equity to be) with more Activity and Expedition, will they transact their Mercantile Affairs; and the greater Protection is given, by any Government, to Property, at a small Expence, with the greater Ability can, and with more Alacrity will, the Subjects thereof support it, and repel such who shall attempt to subvert it.

And, upon the strictest Scrutiny, I cannot find any reasonable Objection against granting Authority to the Judges in their several Circuits in *England*, for determining Debts not exceeding Fifty Pounds, upon the like favourable Terms.

And tho' the Lawyers may assert, that our greater Trade and Wealth than *Ireland* is a nervous and important Argument, and should be an Inducement for our paying greater Costs of Suits: To this it may be answer'd, that the greater Trade may require the Assistance of the superfluous Number of Lawyers, to facilitate it, and enrich themselves by it;

it; for the more Time is employ'd in Commerce, the less is the Leisure for Attendance upon tedious Suits; and the more that the Sinews of Trade are exhausted, from the industrious Members, in recovering or defending Property, the more the Mercantile Body is emaciated and enfeebled; and if an industrious Nation, under Oppression, hath accumulated Wealth, how much greater would be its Acquisition, when exonerated from that which clogg'd the Wheels of Justice, and interrupted the circular Motions of the Mercantile Machine from running swiftly and smoothly? For the Subjects could more safely trade and trust, when they knew their Debtors, if able, but unwilling, might soon, and at small Expence, be compelled to pay.

The good Intent of Acts, pass'd for the Encouragement of Trade and Manufactures, would then be effectually answered; which now is gradually annulled, by the tedious and expensive Pursuit of Justice.

And supposing that such Suits in some Counties should employ an additional Day at the Assizes, for one of the Judges, would not Justice circulating twice in five Months, instead of once in twice the Time, and at less than the thirtieth Part of the former Expence, be more than a plenary Compensation for such Addition? The Tradesman would readily know the Event of his Trade; oftener be enabled to ballance his Books; in his Country Journies might with more Ease and Expedition collect his Debts from Persons intimidated by such Law, and circularly compel the Obstinate at the Assizes: This would enable him to carry on his Trade in a more extensive Manner; and a similar Privilege might be granted to the Inhabitants in *London, Westminster, and Southwark*, and to the Country Traders and Manufacturers who vend their Wares therein, to recover their Debts before the Judges at *Westminster-Hall*, or in the Sittings after each Term at *Guild-Hall*, or at the Sessions for the City of *London*, and at those



those for the Counties of *Middlesex* and *Surry*, at the Fees, and with the Privileges aforesaid: This would hinder the Extravagant and Indolent from preying upon the Vitals of the Industrious; prevent Bankruptcies of Creditors as well as Debtors; of the former, by receiving their Money quickly and easily; and of the latter, by exciting them to Frugality and Industry; for, without both, they would have no Credit; they must earn Bread and eat it; win Gold and wear it.

And as the Justices at the General Quarter-Sessions of *Oyer* and *Terminer*, with the Recorder, for sundry Cities and Places in *England*, are vested with Power to adjudge Capital Offences, what material Objection can appear against such (who have well executed that Authority) being vested with Power to decree Payments of Debts, from Five to Twenty Pounds or more, upon the Terms contained in the *Irish* Act, reserving Liberty to either Party of appealing to the Assizes for such County

or City? For the Life, which now they can determine, is more valuable, and at greater Risque, without an Appeal, than such Property can be with it,

And I am persuaded, that the Justices of the Peace, with a Counsel learned in the Law, in the several Counties in *England*, who are Gentlemen of Property, Probity, and Capacity, and the Magistrates of eminent Cities and Corporations therein, with the Recorder, who have not the aforesaid Power by Charter, may be as safely intrusted with Authority to decree such Payments, at their General Quarter-Sessions of the Peace for such County, City, or Corporation, (reserving Liberty to the aggrieved of appealing) as the Justices of the County of *Dublin* have been for thirty-four Years intrusted with, and without any lawful Complaint or Inconveniency.

This would contribute to ease the Judges at the Assizes, and in part solve the Objection, that such Suits would engross too much of their Time.

If

If any argue that the Necessaries of Life are cheaper in *Ireland*, and therefore the Lawyers Fees should be lower than in *England*; to this it may be answered, that, though formerly it was so, yet now, in Capital Cities and Corporations, there's little or no Variation; but, if any, 'tis in favour of single Gentlemen in *London*: Moreover many of the Counsels and Attornies have greater Patrimonial Fortunes in *England*, than the Practisers in *Ireland* commonly have; these, with their more lucrative Vocations, afford them a copious Subsistence; which, with some acquiring their Studies near Home, or at small Expence in Travelling, and others being frugally entertain'd at Relations Houses, may enable them to serve their Clients at an equal, if not less Expence, than the *Irish* Barristers, qualified in *England*, under greater Disadvantages.

Some Gentlemen, pretending to a public Spirit, but intending the reverse, may



may alledge, that such Acts, will increase Litigations, and produce a national Detriment : Whereto it may be answered, that our granting the first Part doth not admit the Truth of the second : For twenty Pounds, or less, sued for in the Method now practised, will cost the Plaintiff and Defendant about

	<i>l.</i>	<i>s.</i>	<i>d.</i>
For twenty Pounds, or less, sued for in the Method now practised,	40	0	0
will cost the Plaintiff and Defendant about	—		
Thirty Days Attendance for each before, and at the several Terms, or at the different Affizes, for a Trial upon <i>Nisi Prius</i> , at 2 <i>s.</i> 6 <i>d.</i> per Day per Man	7	10	0
	—		
	47	10	0
For recovering	<i>l.</i>	<i>s.</i>	<i>d.</i>
Twenty Pounds by the <i>Irish</i> Act to the Plaintiff and Defendant	0	10	6
Four Days Attendance of each at the Affizes at 2 <i>s.</i> 6 <i>d.</i> per Day per Man	1	0	0
	—		
	1	10	6

Difference £. 45 19 6

N. B.

N. B. *The Six-pence per Pound, allowed by the Act, is seldom paid to the Sheriff, for Execution upon the Defendant's Goods, Special Bailiffs being often employed without Fee, and the Expences for Attendance at the Sessions are much lower than at the Assizes.*

The first Calculation, I presume, will be allowed by the Practisers and Clients to be the Medium, and the second to be just; and supposing, but not asserting, that the Expence of the Witnesses in the different Modes of Trial are equal, tho' they may sometimes vary, according to their Number and Circumstance; yet the Charges for recovering the like Sum, in the Method now practised, are 45 *l.* 19 *s.* 6 *d.* more than in that proposed, which are 5 *l.* 19 *s.* 6 *d.* more than double the greatest Sum sued for. And the Expences, in one Suit, to both Parties, in the former, are greater than those for thirty, in the latter Method, by one Pound Fifteen Shillings, which will stand thus:

Charges

Charges to the Plaintiff and Defendant, with Expences for Attendance of both, as before	}	l.   s.   d. 47   10   0
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For thirty Suits at 10s. 6d. each	}	l.   s.   d. 15   15   0
Expences for Attendance up- on each of ditto 8 Days for both Parties, which is 240 Days, at 2s. 6d. per Day	}	45   15   0 30   0   0

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Difference £. 1   15   0

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Whereby it will evidently appear, to a single Eye, which of them doth, or hereafter will, most conduce to a national Advantage or Detriment.

Although sundry Persons, inTarde, by Prudence and Circumspection, have steer'd clear of perplexing Suits, yet such know not, how soon, by Accident, or other-



otherwise, they may be involved ; these should extend their Sympathy to the Families of such, who have been ruined thereby, of whom large Catalogues may be collected ; and join in Petition for Relief (proving the Allegations thereof by living Witnesses) to a Parliament, which is ready, and willing, to grant it, in order to prevent the like Calamities to themselves, their Friends, and Posterity, who, probably, may not be endowed with an equal Share of parental Prudence, to secure their Acquisitions.

If, by this Essay, I could only contribute to the preserving the Health of my Fellow-subjects, frequently impaired by such vexatious Suits, and prevent the riveting Animosities amongst them, which extirpate Morality and social Virtue, I should esteem it a full Compensation for my Labour ; setting aside the Saving of Time, and Securing of Property, to the Injured, which, by most Men, will be accounted the more momentous and important Consideration.



# A D D E N D A.

T H E

*Necessity of a Publick Register for  
Deeds, Conveyances, and Wills,  
affecting Lands, Tenements, and  
Hereditaments, in South-Bri-  
tain, considered.*

**T**H E Parliament of *Ireland*, in the Ninth of *William* the Third, seeing the Frauds and Distractions occasioned by clandestine Mortgages, Enacted, that if any Person should borrow Money, and give Judgment for the same, and afterwards borrow more from another upon a Mortgage, and should not give Notice to the Mortgagee of the said Judgment, in Writing under his Hand, before the Execution of the said Mortgage, unless the Mortgager, upon Notice to be given by the  
Mort-

Mortgagee of such Lands, in Writing under his Hand, attested by two or more sufficient Witnesses of such former Judgment, should, within six Months after such Notice, pay off and discharge the same, the said Mortgager should have no Remedy against the Mortgagee for Redemption.

And if any Person, who once mortgaged, and afterwards should again mortgage the same Lands, the former Mortgage being in Force, and should not discover the same in Writing under his Hand and Seal to the second Mortgagee, that then, and in such Case, the Mortgager should have no Equity of Redemption.

But, finding that the aforesaid Act did not prevent the fatal Distractions arising from such Frauds, further Enacted, in the Sixth of *Queen Anne*, That a Public Registry for that Kingdom should be erected in *Dublin*, for all Deeds, Conveyances, Wills, &c. which should affect Lands, Tenements, or Hereditaments ;



reditaments ; and that the same, being registered, should be good, according to the Priority of registering ; and that those which were not should be void against a registered Deed : Therein directing how Memorials of such Deeds and Wills, &c. were to be drawn, executed, and proved ; how Certificates on Deeds, &c. registered were to be indorsed by the Register's specifying his due Attendance upon his Office, and his Allowance for it.

And, for the Ease and Conveniency of the Subject, it was further Enacted, that Memorials of Deeds, &c. executed above sixty Miles from *Dublin*, might be registered upon Affidavit of the due Execution of such Deeds, &c. made before the Judges of Assizes, or before the Justices at the General Sessions of the Peace, in open Court ; or before a Person authorized to take Affidavits in the Country, in the Presence of two Justices, who should subscribe their Names as Witnesses thereto.

In

In the eighth of *Queen Anne* the said Act was further explained, wherein Memorials of Deeds, Wills, &c. made in *Great Britain*, affecting Lands, &c. in *Ireland*, were allowed to be registered upon Affidavit made before the Judges at *Westminster*, or Justices at the Sessions of the Peace, in open Court; or before a Master in *Chancery*; one of the Witnesses to the Execution of the said Deeds &c. producing them and making Affidavit at the Register-Office, of the Execution thereof.

The said Acts were further explained and amended in the eighth Year of his late Majesty King *George*, and in the fifth of his present Majesty; all which have had a good Effect to the preserving of Property, and preventing of Frauds and Feuds amongst his Majesty's Subjects.

A little before the first Commencement of these Acts, that Kingdom was impoverished by War, which had reduced the Number of its Inhabitants; so  
that

that a County, or provincial Registry, was not esteemed prudent and practicable; nor perhaps yet may for the like Reasons; but as the Counties in *South Britain* are more populous, as well as more opulent, it is humbly hoped, that not only a General Register-Office will be erected and established in *Westminster*, but that other Offices will be kept in different Parts of the Kingdom; a double Registry (in Case of Fire, national Contagion, or public Calamity by War) being accounted a double Security; from which Duplicates of all Deeds, &c. may be transmitted to the General Register-Office; as also Duplicates of all Deeds, &c. registered in the General Office, may be transmitted to the other Offices, in whose Districts the Lands shall lie; and it is astonishing that *Scotland* and *Ireland*, who are subservient to this Kingdom, should have this Privilege, which the latter hath enjoyed for forty-two Years, and the major Part of *South Britain* be deprived of it.



The Price for registering Memorials of Deeds, &c. being stipulated according to their Length, the needless Repeitions in them will be reduced to save Charges in both, whereby one Clerk may dispatch more Business than many, and their superfluous Number may be more usefully employed.

If the *British* Parliament, for the Security of the Subjects, hath enacted that Warrants of Attorney to confess Judgment upon Bonds, which often are for a Particle of a Subject's Fortune, shall be registered ; how much stronger is the Argument for recording all Mortgages, Conveyances, &c. upon which the major Part of the Fortune of sundry Subjects frequently depends ; that the *British*, in general, might have their Friendship and Property equally secured with those of *Scotland* and *Ireland*, and with those of the County of *Middlesex*, and the whole County of *York* ;

This would reflect permanent Honour upon the *British* Legislature, and shew a reciprocal

reciprocal Munificence in the Legislative Lawyers who should contribute thereto.

A public Registry will be the Subjects Security, because an intended Purchaser, or Mortgagee, may find the legal or doubtful Title of the Seller, or Mortgager, to that identical Estate, as well as the Incumbrances which affect it. This will introduce him to know the neat Value thereof, and instruct him how to act in purchasing or advancing Money thereon, and to what Amount, or to forbear both, and upon what Consideration.

If he purchase or lend under these Precautions, and afterwards resolve to sell or assign his Security to furnish his Son with one Part of the Produce for a trading Capital, and to pay his Daughters Portions with the other, he will have no Difficulty to find a Purchaser, or Assignee, because no Incumbrance or Dispute can affect the Estate or Title, made since the Commencement of the Act, and duly registered in Compliance therewith ; but what will be obvious

vious therefore, his Sons prosperous Progress in Trade will not be impeded, nor his Daughters Happiness, in Marriage, interrupted.

Whereas, in our present Situation, Purchasers and Mortgagees must depend upon the Honour and Character of the Vender, or Mortgager, which was not impeached until Extravagancy, the Fore-runner of Necessity, and that, the Mother of Invention, prompts him, with other Assistants, to advance a spurious Title, or to pass fundry Duplicates for Originals of a good one, in order to raise more Money than the real Value of such Estate, concealing from one his Transactions with another, whereby such precipitately and unavoidably sink into a Morass, instead of standing upon sure Ground; the various Instances whereof, which the Courts of Justice might produce, are too numerous to be readily recounted, and have procured the total Ruin of many Families; a Stain upon the *British* Constitution, which, without

H being



being accurately expunged, may become indelible.

Suppose, for Instance, a Parent having his Fortune vested in a Purchase or Mortgage, unregister'd, Part of which he intended for his Son's Trading Capital, or Marriage Portion, and Part for his Daughter's; they being both in Election of Marriage, and the Terms mutually and provisionally agreed to, the Father essays to sell or assign his Title upon a valuable Consideration, but is disappointed because of prior Incumbrances upon the Estate, exceeding the intrinsic Value thereof, or a Defect in the Title, which before was unknown, and is so far disabled from paying the Fortunes proposed, that he can't have the Interest of the Money for his own Subsistence, much less can he provide an Apprentice Fee for his younger Son, or Maintenance and Education for the rest. So that the Father is inevitably ruin'd, and if he attempt to procure Relief by Law, or in the Court of *Chancery*, those Proceedings redouble his Misery;

And

And as the similar Disappointments operate variously upon different Persons according to their Temper and Constitution, and often prejudicially to their Health or Happiness especially when a sufficient Foundation of Prudence and Virtue is wanting ; so his Son, in whom he had placed great Hopes of Happiness, being fretted with a double Disappointment in Fortune, and likewise in Marriage, becomes a Profligate ; and his Daughter's Affliction brings her into a declining State of Health, which terminates her Life ; and perhaps the like, or as fatal a Catastrophe, attends those to whom their Affections were united. A formidable Fatality to two whole Families.

And altho' a parallel Case hath not frequently befallen two entire Families mutually so united in Interest and Affection, yet numerous Instances, differing in Circumstances, but equally fatal to various Families in Consequence, may be collected and produced in many Parts of the Kingdom, to shew the absolute Necessity of such a Register.

It is therefore presumed, and heartily hoped, that none will oppose a Proposition so much tending to the Tranquillity and Security of the Subject, except those who, through Irregularity of Life, have immersed themselves into Debt, and by such Frauds resolve to continue the one, without lessening the other.

Or such who are in the same Situation, but in order to extricate themselves with an immense Fortune in Marriage, have made, or intend to make, fraudulent Contracts and Settlements ;

Or finally some Gentlemen of the long Robe, who might content themselves, as their Brethren of the House of Commons of *Ireland* have done, to whose lasting Honour may be ascribed the promoting and penning the *Civil Bill and Register Act*, and acquiesce with the Fortunes already, and in future to be acquired by those long riveted Distractions, rather than attempt to continue them ; which, from the Founda-  
tion



tion already laid for Distress to Parents, and Misery to Children yet unborn, will for a Series of Years convey to them not only a large, but lucrative Employment, if such Act should be immediately passed; and a greater, if it should not.





A N  
APPENDIX,

SHEWING THE  
Necessity and Conveniency  
OF  
COURTS of CONSCIENCE,  
OR  
REQUESTS,  
IN THE

Trading Cities and Corporations  
of *South-Britain*, and of Re-  
forming the County or She-  
riffs-Courts therein.

THE trading Inhabitants of the Ci-  
ty of *Westminster*, of the *Tower*  
*Hamlets*, Borough of *Southwark*, and  
County of *Middlesex*, having long la-  
boured under Discouragements, in suing  
for small Debts, under Forty Shillings,  
in the whole, amounting yearly, to a  
great Sum of Money; which fundry  
Debtors refused to pay, presuming on the  
Dif-

Difficulties, which their Creditors laid under, from the Expence they were unavoidably put to, in suing for the same; and the Delays they met with, even after Judgment was obtained; at different Times, were induced, severally, to petition the Parliament for Relief; who wisely and readily concurred to pass sundry Acts for that Purpose, as, Reference thereunto being had, may appear: Well knowing, that Proceedings in County, or Sheriffs-Courts, had been vexatious, expensive, and dilatory; and wisely considering, that every Discouragement to Industry (the Source of national Wealth) is a great Detriment; as an easy and speedy Method for recovering small Debts would be an Encouragement to Trade, and contribute to the Support of useful Credit.

And as the Benefit of the Court of Conscience, accruing to the industrious Subjects of *London*, from the Reign of *James* the First, hath been evident, beyond Contradiction; by compelling the able, but obstinate Debtors, to pay, and  
com-



compounding for Sums, or Time, according to the Condition or Circumstances of the Honest, but Indigent ; without an Attorney for Clerk, which Station is, and hereafter may be, well filled up, by an honest, judicious Person, experienced in Business, and a good Accomptant.

And, as Trade in *London* is extended, and Credit enlarged, since the said Establishment, it is humbly hoped, that the Lord Mayor, Aldermen, and Commons thereof, will, for the further Accommodation of its trading Inhabitants, soon petition the Parliament, for an additional Power of determining all Debts under Five Pounds, by the said Court.

And, that the City of *Westminster*, Borough of *Southwark*, *Tower-Hamlets*, and County of *Middlesex*, who, in the second and third Sessions of this present Parliament, obtained Acts for such Courts, when they have made full Proof of the Conveniency and Service thereof, will soon follow their Example.

And

And forasmuch as a popular Disposition hath appeared thro' the whole Proceedings of the present Parliament, by passing sundry Laws for the Encouragement of Trade and Manufactures, which, without a speedy and easy Circulation of Justice, and punctual Payments, cannot be effectually executed; so if the Justices in their several Districts in each County in *England*, and the chief Magistrates in the Trading Cities, Boroughs, and Corporations within the same, will allow their own, their Fellow - Subjects, Fellow - Citizens, and Commoners Interest to impress their solid Attention; confer with each other in their different Places, and correspond, by Writing, with those in the same Station, in more remote Parts of each County, and in Cities, Boroughs, and Corporations within the same; appoint and give Directions to their several Representatives, for each to meet at the Assizes for such Counties, or other more convenient Time and Place, mutually to conclude upon the Method

and Management for obtaining such County Courts, and Courts of Conscience or Requests, for Cities and Corporations ; agree upon the Places, &c. for holding them ; stipulate and proportion the Parliamentary Expence for petitioning, soliciting, and procuring them ; it is not doubted but their Petitions will be granted, especially if they produce, *viva voce*, Evidence of their Oppression, and the Necessity of removing it.

The common Fees for Sums under 40 s. in the Court of Requests for *Southwark*, in all, are 3 s. 4 d. but if, upon an extraordinary Occasion, an Execution be granted, 'tis 2 s. or for paying Money into Court, 1 s. 8 d. more.

Those in the County circulating Courts of *Middlesex* are, for the like Sum; 3 s. 9 d. but for an Execution 2 s. against the Person, and 3 s. against the Goods; the said Acts, which ascertain the Particulars thereof, may be purchased for 6 d. each.



By Means of these Courts, Justice hath speedily, and at small Expence, circulated ; and the Complainant and Defendant, being exempted from an expensive Attendance at Sheriffs and other distant and vexatious Courts, are thereby at Leisure to pursue their lawful Employments, and the Creditor is enabled by the Sums saved and recovered to prosecute his in a more extensive Manner.

And when the like Acts, and (upon full Proof of their Expedience) more extensive ones are granted to all the Counties and eminent Trading Cities and Corporations in *England*, 'tis highly, and almost without Contradiction, probable, that they will be attended with a numerous Train of good Effects and happy Consequences.

But I humbly conceive, that a Clause might be added for mulcting the Complainant and Defendant, or either of them, who shall give, or attempt to give

any Gratuity, or previous Information, in order to bias or prepossess the Commissioners, or any of them, in the Cause then depending.

And for amercing each or any of the Commissioners who shall accept of, or adhere to any promised Gratuity, or hearken to any Information from either of them in the Cause then depending, except in open Court.

And for punishing any Messenger, Bailiff, or Summoner, for giving to the Complainant, or Defendant, a List or verbal Account of the Names and Residence of the Commissioners, or any of them, who are to hear and determine the Cause then depending.

F I N I S.

*Co Edl*  
7/23/21